CLASSIFICATION OFFICE DECISION

Title of publication:	329135.jpg
Other known title(s):	Not stated
OFLC ref:	0901672.000
Medium:	Computer Image File
Publisher:	Not stated
Country of origin:	Not stated
Language:	Not applicable
Applicant:	The District Court at Lower Hutt
Classification:	Objectionable except if the availability of the publication is restricted to persons who have attained the age of 18 years.
Descriptive note:	None
Display conditions:	None
Date of entry in Register:	28 January 2010
Date of direction to issue a label:	No direction to issue a label has been issued

Summary of reasons for decision:

The publication is a small and grainy computer image file. The image depicts a female engaging in a sexual act involving a dildo. Consideration has been given to whether the publication promotes or supports, or tends to promote or support, the exploitation of young persons for sexual purposes. The age of the image's subject is difficult to ascertain but she has the appearance of a young adult rather than a young person. However, the explicit nature of the image and the fact that it is clearly intended for the purpose of sexual arousal mean that a restriction on its availability to adults is necessary.

The New Zealand Bill of Rights Act 1990 has been considered in the application of the criteria of the FVPC Act to this publication. The classification places a limit on the freedom of expression, but the availability of the publication to children and young people is likely to be injurious to the public good. The classification is reasonable, demonstrably justifiable and the minimum required to avoid injury.